

**Outdoor and Open Burning Ordinance  
for the  
Township of Torch Lake, Michigan**

**Ordinance Number 01-08**

**SECTION 1: PURPOSE**

**1.00 Purpose.**

This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Township of Torch Lake by regulating the air pollution and fire hazards of open burning and outdoor burning.

**SECTION 2: APPLICABILITY**

**2.00 Applicability.**

This ordinance applies to all outdoor burning and open burning within the Township of Torch Lake.

- 2.1 This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- 2.2 This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device for the purpose of heating a building used for human or animal habitation.
- 2.3 This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

**SECTION 3: SEVERABILITY**

**3.00 Severability.**

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

**SECTION 4: DEFINITIONS**

**4.00 Definitions.**

- 4.1 "Campfire" means a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.
- 4.2 "Clean wood" means natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.
- 4.3 "Fire Chief" means the Chief of the Hubbell Volunteer Fire Department, the Chief of the Bootjack Volunteer Fire Department, the Chief of the Dollar Bay Volunteer Fire Department or other person designated by the Fire Chief.
- 4.4 "Municipality" means a county, township, city, or village.
- 4.5 "Outdoor burning" means open burning or burning in an outdoor wood-fired boiler or patio wood burning unit.
- 4.6 "Open burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through

- a stack or a chimney. This included burning in a burn barrel.
- 4.7 "Patio wood-burning unit" means a chimnea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.
- 4.8 "Refuse" means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

## **SECTION 5: GENERAL PROHIBITION ON OUTDOOR BURNING AND OPEN BURNING**

### **5.00 General prohibition on outdoor burning and open burning.**

Open burning and outdoor burning are prohibited in the Township of Torch Lake unless the burning is specifically permitted by this ordinance.

## **SECTION 6: OPEN BURNING OF REFUSE**

### **6.00 Open burning of refuse.**

- 6.1 Open burning of refuse from and at a one or two family dwelling is allowed if all of the following conditions are met:
- 6.1.1 The burning is conducted in a metal or masonry fire ring with a maximum four foot diameter, or a 55-gallon drum with a metal covering device that does not have an opening larger than 3/4 inch, or a 250 gallon enclosed steel tank with stack.
  - 6.1.2 The material being burned is not prohibited under subsection 6.2.
  - 6.1.3 A permit issued in accordance with section 10 of this ordinance has been obtained.
- 6.2 Open burning of the following materials is prohibited.
- 6.2.1 Hazardous substances including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes, and solvents.
  - 6.2.2 Furniture and appliances.
  - 6.2.3 Tires
  - 6.2.4 Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

## **SECTION 7: OPEN BURNING OF TREES, LOGS, BRUSH, STUMPS, LEAVES, AND GRASS CLIPPINGS**

### **7.00 Burning trees, logs, brush, stumps, leaves, and grass clippings.**

- 7.1 Open burning of trees, logs, brush, stumps, leaves, and grass clippings is allowed only in accordance with all of the following provisions
- 7.1.1 Except for campfires, a permit issued in accordance with Section 10 of this ordinance must be obtained prior to open burning under this section when the ground is not covered with snow.
  - 7.1.2 Open burning of tree, logs, brush, and stumps must be conducted at least 1,400 feet from an incorporated city or village limit.
  - 7.1.3 Except for barbecue, gas, and charcoal grills, no open burning shall be undertaken during periods when the Governor of Michigan has issued a burning ban applicable to the area.
  - 7.1.4 All allowed open burning shall be conducted in a safe, nuisance-

free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard on roadways or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.

- 7.1.5 Outdoor campfires and small bonfires for cooking, ceremonies, or recreation are allowed provided they do not cause a nuisance.
- 7.1.6 Open burning under this section shall only be conducted at a location at a safe distance from the nearest building which is not on the same property.
- 7.1.7 Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
- 7.1.8 No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or water body.
- 7.1.9 Except for barbecue, gas, and charcoal grills, no burning shall be undertaken within an unsafe distance from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.

## **SECTION 8: AGRICULTURAL BURNING**

### **8.00 Agricultural burning.**

Open burning of weeds, brush, and crop stubble on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance.

## **SECTION 9: PATIO WOOD-BURNING UNITS**

### **9.00 Patio wood-burning units.**

A patio wood-burning unit may be installed and used in the Township of Torch Lake only in accordance with all of the following provisions:

- 9.1 The patio wood-burning unit shall not be used to burn refuse.
- 9.2 The patio wood-burning unit shall burn only clean wood.
- 9.3 The patio wood burning unit shall be located at least 25 feet from the nearest structure which is not on the same property as the patio wood-burning unit.
- 9.4 The patio wood-burning unit shall not cause a nuisance to neighbors.

## **SECTION 10: BURNING PERMITS**

### **10.00 Burning Permits.**

- 10.1 No person shall start or maintain any outdoor burning or open burning covered under this section without a burning permit issued by the Fire Chief, Designated Fire Official, or Township Supervisor.
- 10.2 Any person responsible for burning leaves, brush, clean wood or other vegetative debris under Section 7 of this ordinance shall obtain a one-time burning permit before starting the fire.
- 10.3 An outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.
- 10.4 When weather conditions warrant, the Fire Chief may temporarily suspend

issuing burning permits and may temporarily suspend previously issued burning permits for open burning.

**10.5** A burning permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.

**10.6** Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the burning permit shall void the permit.

## **SECTION 11: LIABILITY**

### **11.00 Liability.**

A person utilizing or maintaining an outdoor fire shall be responsible for all suppression costs and any other liability resulting from damage caused by the fire.

## **SECTION 12: RIGHT OF ENTRY AND INSPECTION**

### **12.00 Right of entry and inspection.**

The Fire Chief or any authorized officer, agent, employee or representative of the Township of Torch Lake who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

## **Section 13: ENFORCEMENT AND PENALTIES**

### **13.00 Enforcement and penalties.**

**13.1** The Fire Chief, Designated Fire Official, and Township Supervisor are authorized to enforce the provisions of this ordinance.

**13.2** Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this ordinance or fails to comply with a duly authorized Order issued pursuant to this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by the Michigan Statute which shall be punishable by civil fine determined in accordance with the following schedule:

	<u>Min. Fine</u>	<u>Max. Fine</u>
1 <sup>st</sup> Offense within 3-year period*	\$75.00	\$500.00
2 <sup>nd</sup> Offense within 3-year period*	\$150.00	\$500.00
3 <sup>rd</sup> Offense within 3-year period*	\$325.00	\$500.00
4 <sup>th</sup> or More Offense within 3-year period*	\$500.00	\$500.00

\*Determined on the basis of the date of commission of the offense(s).

**13.3** The violator shall pay costs which may include all expense, direct and indirect, which the Township of Torch Lake has incurred in connection with the municipal infraction. In addition, the Township of Torch Lake shall have the right to proceed in any court competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.

A motion to adopt Ordinance No. 01-08 offered by Board member Zurcher

Supported by Board member Lepisto

Upon a roll call vote, the following voted:

AYE: Zurcher, Lepisto, Ambuehl, Rovano, Cadwell

NAY: \_\_\_\_\_

The Supervisor declared the Ordinance adopted.

Karen Rovano  
Karen Rovano, Clerk

3-26-08  
Date